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Patent Application  
Examining Group 1653  
Docket No. MA-43CDF2D4  
Serial No. 10/825,751  
Confirmation No. 8529

David Saliwanchik  
David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1653  
Applicants : Jewel Payne, August J. Sick  
Serial No. : 10/825,751  
Filed : April 16, 2004  
Conf. No. : 8529  
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests, and Genes Encoding Novel Lepidopteran-Active Toxins

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

COMMUNICATION REGARDING POWER OF ATTORNEY

Sir:

Attached is a copy of the original Declaration (37 CFR 1.63) and Power of Attorney. Please recognize the attorneys associated with **Customer No. 23,557** as being of record for the above-referenced patent application. Specifically, please recognize the following attorneys as being of record for the subject application: David R. Saliwanchik, Reg. No. 31,794; Jeff Lloyd, Reg. No. 35,589; Doran R. Pace, Reg. No. 38,261; Jay M. Sanders, Reg. No. 39,355; James S. Parker, Reg. No. 40,119; Frank C. Eisenschenk, Reg. No. 45,332; Glenn P. Ladwig, Reg. No. 46,853; Margaret Efron, Reg. No. 47,545; John M. Sanders, Reg. No. 30,126; and Jenna M. Morrison, Reg. No. 55,468.

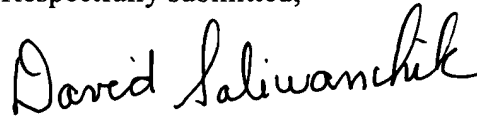
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Respectfully submitted,

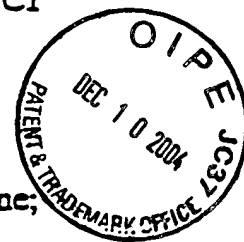


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DRS/ehm

Attachments: Copy of Declaration (37 CFR 1.63) and Power of Attorney

## DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY



As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;  
and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests, and Genes Encoding Novel Lepidopteran-Active Toxins, the specification for which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
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371,955

June 27, 1989

Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith: Roman Saliwanchik, Reg. No. 21,023; David R. Saliwanchik, Reg. No. 31,794.

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Date \_\_\_\_\_  
Signature of Third Joint Inventor  
\*\*\*\*\*